

REMARKS

Claims 1-6 and 8-20 are all the claims pending in the application. By this Amendment, Applicants amend claims 17-20.

Statement of Substance of Interview

As an initial matter, Applicants thank the Examiner and the SPE for the courtesies extended during the interview conducted on May 8, 2008. In view of the helpful comments provided by the Examiner and the SPE, and to expedite prosecution of the instant application, claims 17-20 have been amended as discussed during the interview. As indicated in the Interview Summary, an agreement was reached in the interview that the amendments overcome the 35 U.S.C. § 112 rejection. Applicants further submit that the amendments place the application in immediate condition for allowance, as discussed in further detail below with respect to the prior art rejection of the claims and as preliminarily agreed to by the Examiner subject to further consideration and/or search.

In addition, Applicants note that they do not acquiesce to the statement in the Interview Summary that “[t]he applicant pointed out the essential feature of having a time delay between unlocking of the vehicle operational device and the engine disable operation”. Applicants respectfully submit that this is an inaccurate statement and potentially misleading, since the discussion regarding the written description rejection revolved around an explanation that the “final communication” in claims 17 and 19 does in fact cause both the release of the vehicle operation device and disabling of the engine operation, contrary to the assertions made in the Office Action on page 3. The SPE and the Examiner suggested including the time delay feature

in the claims, and Applicants' representative agreed to consider such an amendment and relay the Examiner's suggestions to the Applicants in order to expedite prosecution. The Examiner's statement should not be misinterpreted as indicating that the subject feature is essential either to the invention or to patentability. Rather, the Examiner was indicating that the subject feature was essential to his understanding of the functionality of the invention.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Allowable Subject Matter

Applicants acknowledge that claims 1-6 and 8-16 are allowed. Applicants do not acquiesce to the Examiner's reasons for allowance.

Claim Objection

Claim 17 is objected to in the Office Action. See Office Action at page 2. In view of the amendment to claim 17, Applicants respectfully request withdrawal of the claim objection.

Claim Rejections – 35 U.S.C. § 112

Claims 17-20 are rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicants do not acquiesce to this rejection. In order to expedite prosecution, however, Applicants amend claims 17-20 by this Amendment to overcome the written description rejection. It was agreed during the interview that the amendments resolve the 35 U.S.C. § 112, first paragraph issues (*see* Interview Summary).

Claim Rejections – 35 U.S.C. § 103

Claims 17 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,977,654 to Johnson *et al.* ("Johnson") in view of U.S. Patent No. 6,876,292 to Onuma *et al.* ("Onuma"). For *at least* the following reasons, Applicants respectfully traverse the rejection.

In order to expedite prosecution, claims 17 and 19 have been amended to recite in some variation that the transmission of the preset first ID code by the portable transmitter to the activation unit is a final communication between the portable transmitter and the activation unit that causes the activation unit to release the vehicle operation device and, after a predetermined time from the reception of the preset first ID code, the final communication further causes the activation unit to send the signal to the engine operation restraining unit to disable the engine operation. As discussed during the interview, the combined teachings of Johnson and Onuma do not teach or suggest this feature. Accordingly, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejection of claims 17 and 19.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111 AND
STATEMENT OF SUBSTANCE OF INTERVIEW
Attorney Docket No.: Q77067
Application No.: 10/663,818

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Quadeer A. Ahmed
Registration No. 60,835

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

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